

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	4:09CR3069-1
	)	
V.	)	
	)	
BENYAMIN HAWTHORNE,	)	ORDER
	)	
Defendant.	)	
	)	

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While I will consider the motion in limine (filing 83) on the first day of trial, it is my tentative belief that the government should be allowed to present evidence about the defendant's use of weapons, including the fact that he admitted to shooting Brandon M. Franklin. That said, it is doubtful that I will allow the jury to hear that Franklin was killed. Accordingly,

IT IS ORDERED that the motion in limine (filing 83) will be considered on the first day of trial.

DATED this 8<sup>th</sup> day of March, 2010.

BY THE COURT:

*Richard G. Kopf*  
United States District Judge